

### REMARKS

The present application relates to hybrid maize plant and seed 33T17. Claims 48-62 have been canceled. Claims 5-42 were previously canceled in the Amendment of October 1, 2003 and claims 9-19, 22-32 and 35-40 were previously canceled in the Amendment After Final submitted on May 13, 2003. Claims 1, 64, 65, 69 and 70 have now been amended. No new matter has been added by the present amendment. Applicant respectfully requests consideration of the following remarks.

#### Detailed Action

##### *A. Status of the Application*

Applicant acknowledges those rejections not specifically addresses in the present Office Action as withdrawn in view of Applicant's amendments and/or arguments.

##### *B. Election/Restrictions*

The Examiner states that newly submitted claims 48-62 and 64-70 are directed to an invention that is independent or distinct from the invention originally claimed. The Examiner further states Group I, claims 1-4, 43-47, 63 and 71 are directed to hybrid maize line 33T17, and methods of using said hybrid maize line, classified in class 800, subclass 320.1. The Examiner states Group II, claims 48-62 and 64-70 are directed to methods of transforming or introgressing a trait into inbred maize lines GE515488 and GE534625 and products produced from said methods, classified in class 800, subclass 266. The Examiner states that a complete reply to the Final Rejection must include cancellation of nonelected claims or other appropriate action (37 C.F.R. § 1.144). See MPEP § 821.01.

Applicant respectfully submits that the election of Group I, claims 1-4, 43-47, 63 and 71, is made **with traverse**. Applicant further submits that claims 48-62 have been canceled. However, claims 64-70 remain in this Amendment After Final at the request of Supervisory Patent Examiner Amy Nelson and puts the claims in form for allowance as suggested by Supervisory Patent Examiner Amy Nelson on November 7, 2003.

**Summary**

Applicant acknowledges that claims 1-4, 43-47, 63 and 71 are allowed.

Applicant further acknowledges that claims 64-70 have been agreed upon as allowable by Supervisory Patent Examiner Amy Nelson as aforementioned, thereby placing these claims in form for allowance. Applicant has canceled all non-allowable claims thereby placing the application in condition for allowance and has complied with all requirements of form set forth in previous office actions.

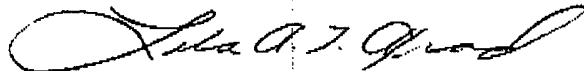
**Conclusion**

In conclusion, Applicant submits in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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